

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:)	
)	Case No. 02-16172
)	(Jointly Administered)
LEVEL PROPANE GASES, INC., et al.,)	
)	Chapter 11
Debtors.)	
)	Bankruptcy Judge Randolph Baxter
)	
WILLIAM MALOOF,)	Case No. 1:07-CV-01008
)	
Appellant,)	JUDGE ANN ALDRICH
)	
v.)	
)	<u>MEMORANDUM & ORDER</u>
LEVEL PROPANE GASES, INC.,)	
)	
Appellee.)	
)	

Before the court is appellee Level Propane Gases, Inc.’s (“LPG”) motion to dismiss the instant appeal by appellant William Maloof (“Maloof”) [Docket No. 5] for lack of jurisdiction. In this appeal, Maloof challenges the September 23, 2002 order of the bankruptcy court appointing debtors’ counsel. Maloof did not file his notice of appeal of the bankruptcy court’s order until February 2007. Federal Rule of Bankruptcy Procedure 8002(a) requires that any notice of appeal of an order of the bankruptcy court must be filed within ten days “of the date of the entry of the judgment, order, or decree appealed from.” Failure to do so deprives the district court of jurisdiction to hear the appeal. *In re Burns*, 322 F.3d 421, 429-30 (6th Cir. 2003). Maloof’s alleged failure to be served with the order is immaterial, under Federal Rule of Bankruptcy Procedure 9022(a), so far as the ten-day jurisdictional time limit of Rule 8002(a) is concerned. *See also In re Delaney*, 29 F.3d 516, 518 (9th Cir. 1994) (holding that “[p]arties have an affirmative duty to ‘monitor the dockets to inform themselves of the entry of orders

they may wish to appeal”) (citation omitted). As it was Maloof’s responsibility to monitor the bankruptcy court’s docket, the court rejects Maloof’s tenuous due process claim.

The court therefore grants LPG’s motion to dismiss [Docket No. 5], and dismisses the instant appeal for lack of jurisdiction.

IT IS SO ORDERED.

/s/Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: June 20, 2007